

ALICE O'BRIEN, Bar No. 180208  
EMMA LEHENY, Bar No. 196167  
NATIONAL EDUCATION ASSOCIATION  
1201 16th Street, N.W.  
Washington, D.C. 20036  
Telephone (202) 822-7035  
Fax (202) 822-7033  
E-Mail: ELeheny@nea.org

*Attorneys for Amicus Curiae National Education  
Association*

*Complete list of parties and counsel  
may be found on the signature page*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA and JANET  
NAPOLITANO, in her official capacity as  
President of the University of California,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY and ELAINE DUKE, in her  
official capacity as Acting Secretary of the  
Department of Homeland Security,

Defendants,

And Related Cases.

No. 17-cv-05211-WHA  
No. 17-cv-05235-WHA  
No. 17-cv-05329-WHA  
No. 17-cv-05380-WHA  
No. 17-cv-05813-WHA

**ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE BRIEF OF K-12  
SCHOOL DISTRICTS AND EDUCATION  
ASSOCIATIONS AS AMICUS CURIAE IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

## INTRODUCTION

Joining together to file this brief are eight of California's largest K-12 school districts, and state and national organizations representing K-12 educators, school administrators, and governing boards. This group, K-12 Education Amici, respectfully moves for leave to file an amicus curiae brief in support of Plaintiffs' motion for preliminary injunction. Pursuant to the Court's October 25, 2017 Stipulation and Order Regarding Amicus Briefing, K-12 Education Amici file this administrative motion for leave to file their amicus curiae brief. A copy of the proposed brief is attached as Exhibit 1 to this motion. Plaintiffs have consented to the filing of this motion and the accompanying amicus brief. Defendants take no position on the filing of this motion and the accompanying amicus brief.

## IDENTITY AND INTEREST OF AMICI CURIAE

The arbitrary rescission of the DACA program, to take effect March 6, 2018, will do nothing less than traumatize the children of California's public schools. Over 242,000 Californians who currently hold DACA and have met every expectation set by the program will lose ties to home, community, family, and school. The trauma will not be felt by them in isolation. Their siblings, classmates, teachers, friends, and communities will suffer with them. Employees and members of undersigned Amici are the counselors, principals, teachers, superintendents, paraprofessionals, aides, and nurses who staff our K-12 schools. Their purpose is to care for our students, regardless of immigration status. It is that shared purpose, that constitutional duty, which brings them together before this Court with urgency. Amici's education professionals know well the value of contributions made by DACA recipients and so too the harm that will be worked by DACA's termination.

K-12 Education Amici are:

**Association of California School Administrators** serves more than 18,000 California school administrators, including many who work at K-12 schools with DACA staff and students.

1 **Berkeley Unified School District** enrolls over 9,000 K-12 students. Berkeley  
 2 immediately neighbors the metro area of San Francisco, Oakland, and Hayward, which has the  
 3 ninth most DACA recipients in the nation, approximately 15,500.<sup>1</sup>

4 **California Faculty Association** represents 28,000 faculty employed by California State  
 5 University. An affiliate of Amici CTA and NEA, CFA represents DACA members. 88% of CSU  
 6 students taught by CFA members are graduates of California K-12 public schools.

7 **California Federation of Teachers** is the state affiliate of the American Federation of  
 8 Teachers in California. Through its 135 affiliates, CFT represents more than 120,000 teachers,  
 9 faculty, librarians, nurses, counselors and classified employees working in California's public  
 10 schools, private schools, community colleges and the University of California system. DACA  
 11 recipients are among the membership of CFT and the students they serve.

12 **California School Boards Association** represents the elected officials who govern public  
 13 school districts and county offices of education in nearly 1,000 educational agencies throughout  
 14 California. CSBA is dedicated to serving all students in California's K-12 schools, including the  
 15 roughly 300,000 students who are undocumented.

16 **California Teachers Association** represents 325,000 education employees who work in  
 17 California's more than 1,000 public school districts. DACA recipients are among the membership  
 18 of CTA and the students they serve. CTA is the California state affiliate of Amicus National  
 19 Education Association.

20 **Los Angeles County Board of Education** works with the Los Angeles County  
 21 Superintendent of Schools at the Los Angeles County Office of Education (LACOE) to provide  
 22 certain services, and to promote inclusive policies protecting the educational rights of all students,  
 23 including DACA recipients. Los Angeles County boundaries substantially overlap with the metro  
 24 area that has the most DACA recipients in the country, close to 90,000.

25  
 26 <sup>1</sup> DACA population data is from the U.S. Citizenship & Immigration Services,  
 27 *Approximate Active DACA Recipients: Leading Core Based Statistical Areas*, p. 8 (Sept. 4, 2017),  
 28 available at [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca\\_population\\_data.p](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_population_data.pdf)  
 df.

1           **Los Angeles County Superintendent of Schools** oversees LACOE and the 80 public  
 2 school districts and two million students it supports in the nation's most populous county. Among  
 3 the responsibilities of the Superintendent is the provision of services to educate teachers. Los  
 4 Angeles County boundaries substantially overlap with the metro area that has the most DACA  
 5 recipients in the country, close to 90,000.

6           **Los Angeles Unified School District** is the second-largest public school district in the  
 7 nation, enrolling more than 640,000 K-12 students. LAUSD boundaries substantially overlap with  
 8 the metro area that has the most DACA recipients in the country, close to 90,000.

9           **Moreno Valley Unified School District** enrolls over 34,000 K-12 students. Moreno  
 10 Valley immediately neighbors the metro area of Riverside, San Bernardino, and Ontario, which  
 11 has the sixth most DACA recipients in the nation, over 22,000.

12           **National Education Association** represents three million education employees, including  
 13 teachers, counselors, nurses, and support professionals in California and throughout the country.  
 14 The DACA recipients who belong to Amici CFA and CTA are also members of NEA.

15           **Oakland Unified School District** enrolls nearly 50,000 K-12 students. Oakland is in the  
 16 metro area with the ninth most DACA residents in the country. Together with San Francisco and  
 17 Hayward, Oakland is home to approximately 15,500 DACA recipients.

18           **Sacramento City Unified School District** enrolls nearly 50,000 K-12 students. The  
 19 greater Sacramento area is ranked 22<sup>nd</sup> in the nation with the most DACA recipients, close to  
 20 6,000.

21           **San Diego Unified School District** enrolls almost 130,000 K-12 students. San Diego and  
 22 neighboring Carlsbad are ranked 12<sup>th</sup> in the nation in the number of DACA residents, with more  
 23 than 11,300.

24           **West Contra Costa Unified School District** is based in Richmond and includes  
 25 surrounding cities. WCCUSD serves more than 32,000 K-12 students and sits just north of the  
 26 Oakland-San Francisco-Hayward metro area that is home to more than 15,000 DACA recipients.

**REASONS WHY THE MOTION SHOULD BE GRANTED**

“The district court has broad discretion to appoint amici curiae.” *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir.1982), abrogation on other grounds recognized by *Rainwater v. McGinness*, 559 Fed. App’x 635, 635 (9th Cir. 2014). “District courts frequently welcome amicus briefs from nonparties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has ‘unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.’” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (internal citation omitted).

The Court should exercise its discretion and permit K-12 Education Amici to file the attached amicus brief. K-12 Education Amici’s brief fills “the classic role of amicus curiae by assisting in a case of general public interest[] [and] supplementing the efforts of counsel[.]” *Miller-Wohl Co. v. Comm’r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982). K-12 Education Amici’s brief focuses on the impact of DACA’s rescission on the education system by drawing upon Amici’s knowledge of California’s public schools, students, and employees. The educators, graduates, and administrators who contributed to this brief present unique information for the Court’s consideration.

**CONCLUSION**

For the foregoing reasons, K-12 Education Amici respectfully request that the Court grant it leave to file the amicus brief attached as Exhibit 1.

Dated: November 1, 2017

Respectfully submitted,

By: /s/ Emma Leheny

Emma Leheny (196167)  
 Alice O’Brien (180208)  
 National Education Association  
 1201 16th Street, N.W.  
 Washington, D.C. 20036  
 Tel: (202) 822-7035  
 Fax: (202) 822-7033  
 eleheny@nea.org  
 aobrien@nea.org

*Attorneys for National Education Association*

1  
2 Abhas Hajela (173155)  
3 Capitol Advisors Group, LLC  
4 925 L Street, Suite 1200  
5 Sacramento, CA 95814  
6 Tel: (916) 719-9438  
7 Fax: (916) 443-7468  
8 abe@capitoladvisors.org

*Attorney for Association of California School  
Administrators*

9 Andra M. Donovan (177792)  
10 San Diego Unified School District  
11 4100 Normal Street, Room 2148  
12 San Diego, CA 92103  
13 Tel: (619) 725-5630  
14 Fax: (619) 725-5639  
15 adonovan@sandi.net

*Attorney for Berkeley Unified School District,  
Moreno Valley Unified School District, San Diego  
Unified School District, and West Contra Costa  
Unified School District*

16 Kathryn M. Sheffield (218407)  
17 California Faculty Association  
18 980 9th Street, Suite 2250  
19 Sacramento, CA 95814  
20 Tel: (916) 441-4848  
21 Fax: (916) 441-3513  
22 ksheffield@calfac.org

*Attorney for California Faculty Association*

23 Glenn Rothner (67353)  
24 Rothner, Segall & Greenstone  
25 510 South Marengo Avenue  
26 Pasadena, CA 91101  
27 Tel: (626) 796-7555  
28 Fax: (626) 577-0124  
grothner@rsglabor.com

*Attorney for California Federation of Teachers*

Elaine M. Yama-Garcia (182210)  
D. Michael Ambrose (274952)  
California School Boards Association  
Education Legal Alliance  
3251 Beacon Boulevard

1 Sacramento, CA 95691  
2 Tel: (800) 266-3382  
3 Fax: (916) 374-3407  
4 eyama-garcia@csba.org  
5 mambrose@csba.org

*Attorneys for California School Boards Association*

6 Laura P. Juran (199978)  
7 Jean Shin (228423)  
8 California Teachers Association  
9 1705 Murchison Drive,  
10 Burlingame, CA 94010  
11 Tel: (650) 552-5440  
12 Fax: (650) 552-5019  
13 ljuran@cta.org  
14 jshin@cta.org

*Attorneys for California Teachers Association*

12 Vibiana M. Andrade (98333)  
13 Los Angeles County Office of Education  
14 9300 Imperial Highway  
15 Downey, CA 90242  
16 Tel: (562) 922-6123  
17 Fax: (562) 469-4334  
18 andrade\_vibiana@laoe.edu

*Attorney for Los Angeles County Superintendent of  
Schools and Los Angeles County Board of Education*

18 David Holmquist (179872)  
19 Devora Navera Reed (188675)  
20 Los Angeles Unified School District  
21 333 South Beaudry Avenue, 20th Floor  
22 Los Angeles, CA 90017  
23 Tel: (213) 241-7600  
24 Fax: (213) 241-8444  
25 dholmquist@lausd.net  
26 devora.naverareed@lausd.net

*Attorneys for Los Angeles Unified School District*

26 Michael L. Smith (217751)  
27 Oakland Unified School District  
28 1000 Broadway, Suite 680  
Oakland, CA 94607  
Tel: (510) 879-8696

Fax: (510) 879-4046  
mike.smith@ousd.org

*Attorney for Oakland Unified School District*

Raoul Bozio (212073)  
Sacramento City Unified School District  
5735 47th Avenue  
Sacramento, CA 95824  
Tel: (916) 643-9097  
Fax: (916) 399-2020  
Raoul-bozio@scusd.edu

*Attorney for Sacramento City Unified School District*



**SIGNATURE ATTESTATION**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
“conformed” signature (/s/) within this e-filed document.

By: /s/ Emma Leheny  
Emma Leheny (196167)